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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,989	09/05/2003	Wen-Yuen Wu	WUWE3005/REF	6693
23364	7590	12/14/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			WILSON, JOHN J	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/654,989		WU, WEN-YUEN	
	<b>Examiner</b>		<b>Art Unit</b>	
	John J. Wilson		3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Callan (5931675). Callan shows an abutment portion 40, implant body portion 20 and conical portion 36. As to claim 2, see threads 28. As to claim 4, abutment 40 has a lower portion 41 fastened to the implant body and threads as shown in Fig. 9. As to claim 7, see axial hole as shown in Fig. 9.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al (5863200). Hamada shows an abutment portion 2d, 4, implantation portion 1 and conical portion 2a.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al (5863200) in view of Gersberg (5195892). Hamada shows the structure as described above, however, does not show threads. Gersberg shows an implantation portion with threads 3 as well as a conical portion 1A. It would be obvious to one of ordinary skill in the art to modify Hamada to include threads as shown by Gersberg in order to better hold the implant within the bone.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al (5863200) in view of Morgan et al (6227857). Hamada shows the structure as described above, however, does not show a stepped portion between the conical portion and the implantation portion. Morgan shows a stepped portion 32, Fig. 4, to limit epithelial migration. It would be obvious to one of ordinary skill in the art to modify Hamada to include a stepped portion as shown by Morgan in order to limit tissue in growth.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al (5863200) in view of Riess (4215986). Hamada shows an abutment portion 2d, 4, implantation portion 1 and conical portion 2a. Hamada does not show the conical portion located at the top end of the implantation portion. Riess shows a portion 12 shaped to receive gingival that is located at the top of the implantation portion 1. It would be obvious to one of ordinary skill in the art to modify Hamada to include locating the gingival portion on the implantation portion as shown by Riess in order to make use of art known locations for known implant elements.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al (5863200) in view of Riess (4215986) as applied to claim 4 above, and further in view of Gersberg (5195892). The above combination does not show threads. Gersberg shows an implantation portion with threads 3 as well as a conical portion 1A. It would be obvious to one of ordinary skill in the art to modify the above combination to include threads as shown by Gersberg in order to better hold the implant within the bone.

Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al (5863200) in view of Riess (4215986) as applied to claim 4 above, and further in view of Morgan et al (6227857). The above combination shows the structure as described above, however, does not show a stepped portion between the conical portion and the implantation portion. Morgan shows a stepped portion 32, Fig. 4, to limit epithelial migration. It would be obvious to one of ordinary skill in the art to modify the above combination to include a stepped portion as shown by Morgan in order to limit tissue in growth.

### ***Drawings***

The drawings filed June 17, 2004 have been found to be acceptable by the examiner.

### ***Specification***

The specification contains errors in grammar such as “implantable dental integrity”. Applicant is required to review the entire disclosure and place it in proper US form.

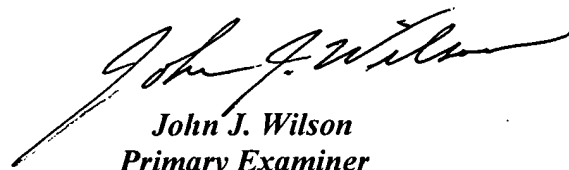
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawahara et al (4086701) shows a stepped surface. Riess et al (4178686), Daftary (5073111) and Guedj (5871356) shows conical portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at 571-272-4720). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**John J. Wilson**  
**Primary Examiner**  
**Art Unit 3732**

jjw  
December 2, 2005